United Nations S/2015/216

Security Council

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Angola, Lithuania, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolution 1970 (2011) and all its subsequent resolutions on Libya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

Welcoming the ongoing efforts of the United Nations Support Mission in Libya (UNSMIL) and the Special Representative of the Secretary-General to facilitate a Libyan-led political solution to the increasing challenges facing the country and *underlining* the importance of agreement, in accordance with the principles of national ownership, on immediate next steps towards completing Libya's political transition, including the formation of a national unity government,

Welcoming the ongoing UN-facilitated political dialogue, *recognising* the contribution of Member States to host and support meetings of that dialogue, and *emphasizing* the necessity for the constructive participation of the elected House of Representatives and other Libyan parties to take forward the democratic transition, build state institutions and start the reconstruction of Libya,

Gravely concerned at the growing trend of terrorist groups in Libya to proclaim allegiance to Islamic State in Iraq and the Levant (ISIL) (also known as Da'esh) and the continued presence of other Al-Qaida-linked terrorist groups and individuals operating there, *reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, and *recalling*, in this regard, the obligations under resolution 2161 (2014),

Expressing deep concern at the threat posed by unsecured arms and ammunition in Libya and their proliferation, which undermines stability in Libya and the region, including through transfer to terrorist and violent extremist groups, and underlining the importance of coordinated international support to Libya and the region to address these issues,

Reaffirming the importance of holding accountable those responsible for violations or abuses of human rights or violations of international humanitarian law, including those involved in attacks targeting civilians,

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Recalling its decision in resolution 1970 (2011) to refer the situation in Libya to the Prosecutor of the International Criminal Court (ICC), *noting* the decision of the Pre-Trial Chamber dated 10 December 2014, and *emphasizing strongly* the importance of the Libyan government's full cooperation with the ICC and the Prosecutor,

Recalling the need for all parties to respect the relevant provisions of international humanitarian law and the United Nations guiding principles of humanitarian emergency assistance,

Taking note of the report of the Secretary-General on the United Nations Support Mission in Libya (UNSMIL) (S/2015/144),

Taking note also of the special report of the Secretary-General on the strategic assessment of the UN presence in Libya (S/2015/113) including the recommendations on the configuration of the UN presence made therein,

Taking note of the final report of the Panel of Experts (S/2015/128) submitted pursuant to paragraph 14 (d) of resolution 2144 (2014) and the findings and recommendations contained therein,

Determining that the situation in Libya continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Calls* for an immediate and unconditional ceasefire, *underscores* that there can be no military solution to the ongoing political crisis, and *urges* all parties in Libya to engage constructively with the efforts of UNSMIL and the Special Representative of the Secretary-General to facilitate, in accordance with the principles of national ownership, the formation of a national unity government and agreement on interim security arrangements necessary for stabilising Libya;

2. *Calls upon* all Member States to fully support the efforts of the Special Representative of the Secretary-General;

3. *Encourages* Member States, particularly in the region, to urge all parties in Libya to engage constructively in the UN-facilitated dialogue and work quickly towards a successful outcome;

4. *Condemns* the use of violence against civilians and civilian institutions and continuing escalation of conflict, including attacks on airports, State institutions, and other vital national infrastructure and natural assets, and *calls for* those responsible to be held accountable;

5. *Calls upon* the Libyan government to promote and protect human rights, including those of women, children and people belonging to vulnerable groups, and to comply with its obligations under international law, and *calls for* those responsible for violations of international humanitarian law and violations and abuses of human rights to be held accountable;

6. *Condemns* cases of torture and mistreatment, and deaths by torture, in detention centres in Libya, *calls upon* the Libyan government to take all steps necessary to accelerate the judicial process, transfer detainees to State authority and prevent and investigate violations and abuses of human rights, *calls for* all Libyan parties to cooperate with Libyan government efforts in this regard, *calls for* the

immediate release of all individuals arbitrarily arrested or detained in Libya, including foreign nationals, and *underscores* the Libyan government's primary responsibility for promoting and protecting the human rights of all persons in Libya, particularly those of African migrants and other foreign nationals;

7. *Calls upon* the Libyan government to cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor as required by resolution 1970 (2011);

8. *Encourages* Libya and regional States to promote regional cooperation aimed at stabilization of the situation in Libya, to prevent former Libyan regime elements and violent extremist groups or terrorists from using the territory of Libya or such States to plan, fund or carry out violent or other illicit or terrorist acts to destabilize Libya or States in the region, and *notes* that such cooperation would benefit regional stability;

United Nations mandate

9. *Decides* to extend the mandate of the United Nations Support Mission in Libya (UNSMIL) until 15 September 2015 under the leadership of the Special Representative of the Secretary-General, and *decides further* that the mandate of UNSMIL as an integrated special political mission, in full accordance with the principles of national ownership, shall focus, as an immediate priority, on support to the Libyan political process and security arrangements, through mediation and good offices, and further, within operational and security constraints, shall undertake:

(a) human rights monitoring and reporting;

(b) support for securing uncontrolled arms and related materiel and countering its proliferation;

(c) support to key Libyan institutions;

(d) support, on request, for the provision of essential services, and delivery of humanitarian assistance and in accordance with humanitarian principles;

(e) support for the coordination of international assistance;

10. *Recognises* that the current security situation in Libya requires a reduction in the Mission's size, but *requests* the Secretary-General to maintain the necessary flexibility and mobility to adjust UNSMIL staffing and operations at short notice in order to support, as appropriate and in accordance with its mandate, implementation by the Libyans of agreements and confidence-building measures or in response to their expressed needs, and further *requests* the Secretary-General keep the Security Council informed prior to such changes to UNSMIL in his reports pursuant to paragraph 27 of this resolution;

Sanctions measures

11. *Reaffirms* that the travel ban and asset freeze measures specified in paragraphs 15, 16, 17, 19, 20 and 21 of resolution 1970 (2011), as modified by paragraphs 14, 15 and 16 of resolution 2009 (2011), apply to individuals and entities designated under that resolution and under resolution 1973 (2011) and by the Committee established pursuant to paragraph 24 of resolution 1970 (2011), and *reaffirms* that these measures also apply to individuals and entities determined by

the Committee to be engaging in or providing support for other acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition, and *decides* that such acts may include but are not limited to:

(a) planning, directing, or committing, acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Libya;

(b) attacks against any air, land, or sea port in Libya, or against a Libyan State institution or installation, including oil facilities, or against any foreign mission in Libya;

(c) providing support for armed groups or criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya;

(d) threatening or coercing Libyan State financial institutions and the Libyan National Oil Company, or engaging in any action that may lead to or result in the misappropriation of Libyan state funds;

(e) violating, or assisting in the evasion of, the provisions of the arms embargo in Libya established in resolution 1970 (2011);

(f) acting for or on behalf of or at the direction of a listed individual or entity;

12. *Reiterates* that individuals and entities determined by the Committee to have violated the provisions of resolution 1970 (2011), including the arms embargo, or assisted others in doing so, are subject to designation, and notes that this includes those who assist in the violation of the assets freeze and travel ban in resolution 1970 (2011);

13. *Condemns* the continued violations of the measures contained in resolution 1970 (2011) and directs the Committee, in line with its mandate and guidelines, to consult as soon as possible with any Member State about which the Committee deems there is credible information that provides reasonable grounds to believe the State is facilitating such violations or any other acts of non-compliance with these measures;

Prevention of illicit oil exports

14. *Decides* to extend until 31 March 2016 the authorizations provided by and the measures imposed by resolution 2146 (2014);

15. *Urges* the Libyan government to provide regular updates to the Committee on ports, oil fields, and installations that are under its control, and to inform the Committee about the mechanism used to certify legal exports of crude oil;

Arms embargo

16. *Stresses* that arms and related materiel, including related ammunition and spare parts, that are supplied, sold or transferred as security or disarmament assistance to the Libyan government in accordance with paragraph 8 of resolution 2174 (2014), should not be resold to, transferred to, or made available for use by parties other than the designated end user;

17. *Urges* the Libyan government to improve further the monitoring and control of arms or related materiel that are supplied, sold or transferred to Libya in accordance with paragraph 9 (c) of resolution 1970 (2011) or paragraph 8 of resolution 2174 (2014), including through the use of end user certificates, and *urges* Member States and regional organizations to provide assistance to the Libyan government to strengthen the infrastructure and mechanisms currently in place to do so;

18. *Reiterates* its call upon Libya, with the assistance of international partners, to address the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in the country, and to ensure the safe and effective management, storage, and security of their stockpiles of small arms and light weapons and the collection and/or destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition;

19. *Calls upon* all Member States, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution 1970 and modified by subsequent resolutions, to inspect in their territory, including seaports and airports, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, vessels and aircraft bound to or from Libya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 or 10 of resolution 1970 (2011), as modified by paragraph 13 of 2009 (2011), paragraphs 9 and 10 of 2095 (2013) and paragraph 8 of 2174 (2014) for the purpose of ensuring strict implementation of those provisions, and *calls upon* all flag States of such vessels and aircraft to cooperate with such inspections;

20. *Reaffirms its decision* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraph 9 or 10 of resolution 1970, as modified by paragraph 13 of 2009 (2011), paragraphs 9 and 10 of 2095 (2013), and paragraph 8 of 2174(2014), seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items and *further reaffirms* its decision that all Member States shall cooperate in such efforts;

21. *Requires* any Member State, when it undertakes an inspection pursuant to paragraph 19 of this resolution, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

Assets

22. *Welcomes* the efforts of the Libyan authorities to implement measures to increase transparency of government revenues and expenditures, including salaries, subsidies, and other transfers from the Central Bank of Libya, and *welcomes* the efforts of the Libyan authorities to eliminate the duplication of payments and to

guard against the illegal diversion of payments, and *encourages* further steps in this regard that ensure the long-term sustainability of Libya's financial resources;

23. *Supports* the efforts of the Libyan authorities to recover funds misappropriated under the Qadhafi regime and, in this regard, *encourages* the Libyan authorities and Member States that have frozen assets pursuant to resolutions 1970 (2011) and 1973 (2011) as modified by resolution 2009 (2011) to consult with each other regarding claims of misappropriated funds and related issues of ownership;

Panel of Experts

24. *Decides* to extend until 30 April 2016 the mandate of the Panel of Experts, established by paragraph 24 of resolution 1973 (2011) and modified by resolutions 2040 (2012) 2146 (2014) and 2174 (2014), *expresses its intent* to review the mandate and take appropriate action regarding further extension no later than twelve months from the adoption of this resolution, and *decides* that the Panel shall carry out the following tasks:

(a) assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011), and modified in resolutions 2146 (2014) and 2174 (2014) and in this resolution;

(b) gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in resolutions 1970 (2011), 1973 (2011) 2146 (2014) and 2174 (2014), and modified in resolutions 2009 (2011) 2040 (2012), 2095 (2013), 2144 (2014) and in this resolution, in particular incidents of non-compliance;

(c) make recommendations on actions that the Council, the Committee, the Libyan government or other States may consider to improve implementation of the relevant measures;

(d) provide to the Council an interim report on its work no later than 180 days after the Panel's appointment, and a final report to the Council, after discussion with the Committee, no later than 15 March 2016 with its findings and recommendations;

25. *Urges* all States, relevant United Nations bodies, including UNSMIL, and other interested parties, to cooperate fully with the Committee and the Panel, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions 1970 (2011) 1973 (2011), 2146 (2014) and 2174 (2014), and modified in resolutions 2009 (2011) and 2040 (2012), 2095 (2013), 2144 (2014) and in this resolution, in particular incidents of non-compliance, and *calls on* UNSMIL and the Libyan government to support Panel investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities, as appropriate;

26. *Calls upon* all parties and all States to ensure the safety of the Panel's members, and that all parties and all States, including Libya and countries of the region, provide unhindered and immediate access, in particular to persons, documents and sites the Panel of Experts deems relevant to the execution of its mandate;

Reporting and review

27. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution at least every 60 days;

28. *Affirms* its readiness to review the appropriateness of the measures contained in this resolution, including the strengthening, modification, suspension or lifting of the measures, and its readiness to review the mandate of UNSMIL, as may be needed at any time in light of developments in Libya, particularly outcomes of the UN-facilitated dialogue;

29. *Decides* to remain actively seized of the matter.